

Message Text

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PAGE 01 STATE 129967

63

ORIGIN IO-14

INFO OCT-01 ISO-00 L-03 EB-11 AF-10 ARA-16 EA-11 EUR-25

NEA-14 RSC-01 USPS-02 OIC-04 CIAE-00 DODE-00 INR-10

NSAE-00 PA-04 PRS-01 SP-03 USIE-00 INRE-00 IOE-00

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DRAFTED BY IO/TRC:SFRIEDLAND/L/UNA:ASURENA

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IO/UNP:VHARTLEY

ARA/CAR:KLWAUCHOPE (PARA 6)

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FM SECSTATE WASHDC

TO USMISSION GENEVA IMMEDIATE

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E.O. 11652: GDS

TAGS: ETEL, PFOR, UPU

SUBJECT: UPU CONGRESS: REPRESENTATION OF NON-AUTONOMOUS TERRITORIES

REFERENCE: A) GENEVA 3243, B) GENEVA 3820

1. AS US DEL AWARE FROM USPS-STATE CONSULTATIONS PRIOR TO DEPARTURE FOR CONGRESS, DEPT DOES NOT REGARD RETENTION OF REPRESENTATION OF NON-AUTONOMOUS AREAS AS CRUCIAL ISSUE. WHILE WE WOULD PREFER TO RETAIN THIS CATEGORY OF MEMBERSHIP AND ARE OPPOSED TO ITS DELETION, WE DO NOT BELIEVE IT ADVISABLE FOR US TO TAKE LEAD IN MAJOR CAMPAIGN FOR ITS RETENTION.

2. OUR PRIMARY CONCERN IN THIS MATTER IS TO ENSURE THAT CONSTITUTIONAL PROCESSES AND PROCEDURES ARE FULLY COMPLIED WITH AND THAT IN WHATEVER ACTION THE CONGRESS DECIDES TO

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PAGE 02 STATE 129967

TAKE, PROVISIONS OF THE CONSTITUTION, WHICH IS AFTER ALL THE

LEGAL FRAMEWORK FOR UPU'S EXISTENCE, ARE NOT SIMPLY IGNORED OR DISREGARDED.

3. ARTICLE 2 OF CONSTITUTION PROVIDES THAT COUNTRIES MEMBERS OF UNION PRIOR TO ADOPTION OF CONSTITUTION IN 1964 RETAIN THEIR MEMBERSHIP. ON BASIS THIS ARTICLE, NON-AUTONOMOUS TERRITORIES WHICH WERE MEMBERS OF UNION PRIOR TO

1964 DID IN FACT RETAIN THEIR MEMBERSHIP AFTER THAT DATE AND PARTICIPATED IN 1969 CONGRESS AS MEMBERS. IN ADDITION ON PAGE 12 OF ANNOTATED CONSTITUTION (1973 EDITION) IT IS INDICATED THAT 1969 CONGRESS REAFFIRMED VIEW THAT NON-AUTONOMOUS TERRITORIES WHICH WERE MEMBERS OF UNION PRIOR TO 1964 WERE "COUNTRIES" FOR THE PURPOSES OF ARTICLE 2 OF CONSTITUTION AND COULD CONTINUE THEIR MEMBERSHIP.

4. THUS PROPOSED RESOLUTION CONSTITUTES "PROPOSAL SUBMITTED TO CONGRESS AND RELATING TO CONSTITUTION" AS DESCRIBED IN ARTICLE 30, UPU CONSTITUTION. UNDER ARTICLE 30, TO BE ADOPTED PROPOSAL MUST RPT MUST GAIN TWO-THIRDS MAJORITY OF ALL RPT ALL MEMBER COUNTRIES OF UPU - NOT MERELY TWO-THIRDS OF MEMBERS PRESENT. IF ADOPTED BY TWO-THIRDS VOTE, SUCH PROPOSAL WOULD THEN BE SUBJECT OF AN ADDITIONAL PROTOCOL AS DESCRIBED ARTICLE 30.

5. ACCORDINGLY, US DEL SHOULD:

A) OPPOSE ANY MOVES TO ALTER EXISTING SITUATION REGARDING REPRESENTATION OF NON-AUTONOMOUS AREAS, BUT NOT TAKE LEAD IN MAJOR CAMPAIGN TO THIS END;

B) ENSURE THAT WHATEVER ACTION CONGRESS MAY TAKE ON THIS MATTER BE IN CONFORMITY WITH PROVISIONS OF CONSTITUTION;

C) INSIST THAT MATTER BE CONSIDERED AS A PROPOSAL RELATING TO CONSTITUTION PER ART. 30. IF ANY OTHER PROCEDURE IS ADVANCED, US DEL SHOULD OBJECT, VOTE AGAINST AND ENSURE THAT US OBJECTIONS TO CIRCUMVENTION OF ARTICLE 30 PROCEDURE IS NOTED IN RECORD; AND

D) IF ARTICLE 30 PROCEDURES COMPLIED WITH, US SHOULD OPPOSE AND VOTE AGAINST ANY PROPOSED CHANGE IN INTERPRETATION OF EXISTING LANGUAGE OF ARTICLE 2 OR CHANGE IN LANGUAGE ITSELF.

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PAGE 03 STATE 129967

6. DEPT HAS NO POLICY OBJECTIONS TO SUPPORTING CONTINUED MEMBERSHIP FOR SURINAM-ANTILLES, IF CONTINUED MEMBERSHIP FOR NON-AUTONOMOUS AREAS IS DELETED. HOWEVER FINAL GUIDANCE DEPENDS UPON PRECISE NATURE AND LANGUAGE OF NETHERLANDS PROPOSAL. PLS ADVISE WHEN THIS BECOMES KNOWN.

7. PLS CLARIFY IF RESOLUTION TRANSMITTED REF A HAS BEEN

REVISED IN LIGHT OF ACTION TAKEN BY CONGRESS TO SEAT
LIBERATION MOVEMENT OBSERVERS PER GENEVA 3374. IF SO,
CABLE TEXT SOONEST. BROWN

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Message Attributes

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Draft Date: 18 JUN 1974
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Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: WorrelSW
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
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Disposition Reason:
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